

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

SHERRY GRAHAM-ADAMS,

Plaintiff,

V.

OMAHA HOUSING AUTHORITY,

Defendant.

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CASE NO. 8:05CV261

ORDER

This matter is before the Court *sua sponte*. Plaintiff filed a Notice of Appeal on July 27, 2006, one day before the Court granted the Plaintiff's Motion for Reconsideration under Fed. R. Civ. P. 60(b). A notice of appeal does not become effective until the district court rules on any pending motions identified in Fed. R. App. P. 4(a)(4)(A). See Fed. R. App. P. 4(a)(4)(B). I find that the Plaintiff's Notice of Appeal (Filing No. 72) did not become effective on the date that it was filed and the appeal fee should not have been tendered because the Court had not yet ruled on the pending motion for reconsideration. The Memorandum and Order granting the Plaintiff's motion for reconsideration rendered the Notice of Appeal moot. Therefore, in the interests of justice, I shall direct the Clerk of the Court to strike the Notice of Appeal and to refund the appeal fee. Accordingly,

IT IS ORDERED:

1. The Notice of Appeal (Filing No. 72) did not become effective, and the Notice of Appeal shall be stricken;
2. The Clerk is directed to refund to Plaintiff's counsel on behalf of the Plaintiff the appeal fee in the amount of \$455 that was paid on July 27, 2006, by

Attorney Jill K. Harker on behalf of Plaintiff Sherry Graham-Adams, receipt
number 8-1622.

Dated this 10th day of August, 2006.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge